

Todd Fleming
#21053-078
FCI Bastrop
P.O. Box 1010
Bastrop, Texas 78602-1010

November 3, 2015

Honorable Michael H. Schneider
United States District Judge
Eastern District of Texas
Tyler Division
211 W. Ferguson Street
Tyler, Texas 75702

Your Honor:

I am writing to you today in an attempt to seek your assistance in obtaining the contact information for the appropriate person as described below.

As part of the search and seizure from my criminal case: USA v. Todd Fleming, Case No. 6:13-CR-34-1, the government seized several things from my home. My attorney told me that these items would be returned to me or my family as part of our plea agreement. We now know that was not true, and the items were not returned.

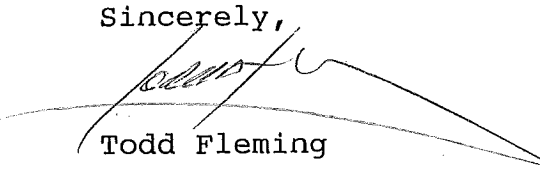
I subsequently filed with this Court a motion seeking to have a specific list of items (family photos and camera equipment that were deemed not part of this case) returned. The government was asked to respond and did so asking for a denial of the motion, which the Court subsequently granted. However, the government did say that they had released the items I was seeking to the Department of Homeland Security and asked them not to destroy the items until this issue had been resolved.

I then wrote to the DHS in Irving, Texas, letter attached, but received no response. I then wrote to Mr. Kummerfeld asking who specifically he had spoken with at DHS so I could communicate with that person directly. Mr. Kummerfeld never responded.

I am attempting to receive these items as they are important to my family. My wife desperately wants the photos, and the equipment is needed by my son for his schooling.

With all due respect, my family has suffered enough, and I respectfully ask the Court's assistance in obtaining this information.

Sincerely,



Todd Fleming

cc: file

Mr. Nathaniel Christopher Kummerfeld

June 23, 2015

Mr. Cleatus P. Hunt, Jr.
Department of Homeland Security
7501 Esters Blvd., Suite 160
Irving, Texas 75063

Mr. Hunt,

I am writing to you today in regard to five (5) pieces of personal property that were seized from my possession as part of a criminal investigation. I appreciate your time in reading this letter and respectfully ask for your help in this matter or, if you are not the appropriate person to do so, for your direction to the right person.

I recently filed a Motion for Return of Property to the U.S. District Court - Tyler Division - and was instructed to contact DHS-CBP directly to attempt to have the property returned to my wife, Nadia Fleming.

There are a few pieces of background information that I would like to offer as you consider the decision to release this property.

- 1) The Prosecutor and the Court both acknowledge that this property was **NOT** part of my criminal case. See attached "Government's Response to Defendant's Motion for Return of Property," page 4.
- 2) When the agents were conducting the search of our home, my wife identified several items of family value (hard drive of irreplaceable family photos, etc.), and the agent told her that the items (including the property now sought) were "already loaded" in their vehicle but that she could "call him tomorrow and he would "have them returned." She also identified a few items before they were loaded (such as her personal laptop, and our son's school computer) and those items were 'scanned' on site and left in her possession. My wife subsequently left a message at the number provided by the agent but never received a return call.
- 3) After we were unsuccessful in contacting the agent, I contacted a "friend of a friend," Attorney Tim Menchu, who told me, "I'll take care of it."
- 4) With no official retainer of Mr. Menchu, he signed documents on my behalf and was informed by your agency that his signature was not enough without a Power of Attorney, which I never gave him.
- 4) Shortly after my conversations with Mr. Menchu, I retained counsel for my potential case. I told my new attorney, James Huggler, about the forms I had received pertaining to the property, and he said, "No problem. I'll get them back."

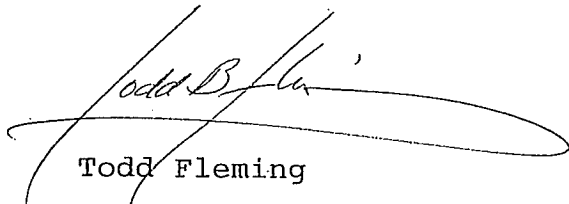
My new attorney took no apparent steps to have the property returned to me beyond assuring me that he had gotten the government to agree to return this irreplaceable property to my wife as part of my plea agreement.

Despite the fact that the Government ultimately released several other pieces of property (iPad, sword collection, etc.), I am only seeking to have the five pieces listed below released to my wife, Nadia.

Please let me know what my wife and/or I need to do to have this property released to her - or please direct me to the appropriate person to assist us in this effort.

Thank you in advance for your time, attention, and forthcoming reply.

Very Sincerely and Gratefully,



Todd Fleming

USM # 21053-078
Federal Correctional Institution
P.O. Box 1010
Bastrop, Texas 78602-1010

cc: File
Nadia Fleming

ITEMS REQUESTED:

- A) One (1) DROBO Hard Drive (Family Photos)
- B) Two (2) Canon 5D Mark II Cameras (our son's school and work)
- C) One (1) 300mm Canon Lens (our son's school and work)
- D) One (2) 70-200mm Canon Lens (our son's school and work)

Todd Fleming
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July 22, 2015

Nathaniel C. Kummerfeld
Assistant United States Attorney
110 N. College Ave., Suite 700
Tyler, Texas 75702

USDC No. 6:13-CR-34-1

Dear Mr. Kummerfeld,

I am writing today to hopefully gain some direction or guidance from you. I appreciate your prompt and thorough response to my Motion for Return of Property. As I indicated at the time these items are not for my use or possession, but rather that of my family.

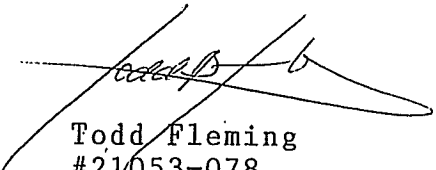
You indicated in your response that a "request was made to the Seized Property Custodian for the Fines Penalty and Forfeiture Group (FP&F) of DHS-CBP to hold the items which have been administratively forfeited, including the specific items at issue, and to postpone the potential destruction of the items until the parties have resolved these issues." Thank you for your effort along those lines.

In the two months since your response I have researched, as best I could, and found the name of Mr. Cleatus P. Hunt, Jr. of the DHS office in Irving, Texas. I have written to Mr. Cleatus and have not received a reply. My two, perhaps obvious, concerns are if a) he ever received my letter, and b) am I even reaching out to the right person? I was hoping that you could at least direct me to the person with whom you spoke (or whoever you believe the right person to be).

I don't presume that you have any obligation along these lines, but I would appreciate the guidance - given that you clearly spoke to someone with personal knowledge of the few items that I seek.

Thank you for your time in reading this, and for your professionalism, and service. I look forward to your reply.

Gratefully and Sincerely,



Todd Fleming
#21053-078

cc: file

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